

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for )	
Termination of Probation of: )	No. D-3229
)	
JOYCE A. CHIN, M.D. )	OAH No. N-37418
2800 Fulton Street )	
San Francisco, CA 94118 )	
)	
California Certification )	
No. G-10201 )	
)	
Respondent. )	
_____ )	

FINAL DECISION

On December 7, 1990, in Sacramento, California, the Sixth District Medical Quality Review Committee, Medical Board of California, heard this matter. John D. Wagner, Administrative Law Judge, Office of Administrative Hearings, State of California, presided. The following committee members were present: Daniel Link, M.D., Chairperson; Anil Sain, M.D.; Leon Allen, M.D.; Martin Greenberg, Ph.D.; Patricia Koehn; and Mary Ryuto.

Gail Heppell, Deputy Attorney General, represented the Attorney General.

Petitioner was present and represented herself.

Thereafter, the Committee considered the petition in executive session with the Administrative Law Judge present. The executive session was chaired by Doctor Link.

Evidence was received, the record was closed and the matter was submitted.

## FINDINGS OF FACT

The Committee finds the following facts:

### I

On November 4, 1985, the Division of Medical Quality of the Board of Medical Quality Assurance revoked petitioner's certificate, number G-10201, for violations of sections 725; 2242; and 2234(b), (c) and (d) of the Business and Professions Code, involving excessive prescribing, and section 11190 of the Health and Safety Code, involving failure to make a medical record. The revocation was stayed and petitioner was placed on probation for seven years upon terms and conditions.

### II

On or about June 15, 1990, petitioner filed a Petition for Termination of Probation in order to fully restore her license with the Medical Board. The petition was accompanied by two verified recommendations from physicians and surgeons licensed by the Board who have personal knowledge of the activities of the petitioner since she was placed on probation.

### III

The petitioner is not under sentence for any criminal offense and no accusation or petition to revoke probation is pending against her.

### IV

Petitioner is approximately 53 years old. She has conducted a part-time practice in pediatrics since 1979 and she is Board eligible. Her practice is solo.

Petitioner is rehabilitated. She has fully and faithfully complied with the terms of her probation. She has learned a bitter and expensive lesson and understands that she was lax in her professional relationship with the adult patients who were the subject of her discipline. She understands that these patients took advantage of her prescribing privileges. She is now very conservative and careful about her prescribing of controlled substances. She is also tracking her patients much better with the use of a computer. The focus of her practice is children, not adults. She is ready to be on her own.

## DETERMINATION OF ISSUES

Pursuant to the foregoing findings of fact, the Committee makes the following determination of issues:

In view of the fact that petitioner is fully rehabilitated, as set forth in Finding IV, it would not be contrary to the public's safety and interest to terminate her probation.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Petitioner's Petition to Terminate her Probation is granted.

This majority Decision shall become effective on  
January 17, 1991.

IT IS SO ORDERED January 17, 1991.

A handwritten signature in dark ink, appearing to read "Daniel Link, M.D.", written over a horizontal line.

DANIEL LINK, M.D.  
CHAIRPERSON